

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----X	
National Starch and Chemical Investment	:
Holding Corporation,	:
Penford Australia Ltd., and	:
Penford Holdings Pty.,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Cargill Corporation	:
MGP Ingredients, Inc.	:
Defendants	:
	:
-----X	

Civil Action No. 1:04-cv-1443

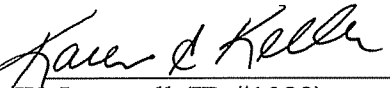
**PLAINTIFFS' NOTICE OF DEPOSITION TO
CARGILL CORPORATION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

TO DEFENDANT, CARGILL CORP. AND ITS ATTORNEYS OF RECORD IN THIS
ACTION:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiffs National Starch and Chemical Investment Holding Corp., Penford Australia Ltd., and Penford Holdings Pty. ("National Starch") will take the deposition of Defendant Cargill Corporation ("Cargill") on December 6, 2005, at 9:00 am, at the offices of Kenyon & Kenyon, One Broadway, New York, New York 10004, or at such other date, time and location as mutually agreed between the parties, and continuing from day to day until completed. Cargill shall designate one or more officers, directors, managing agents, or other persons who have knowledge of and will consent to testify on behalf of Cargill with respect to the matters listed in attached Exhibit A in accordance with the Definitions set forth therein. The deposition shall be

recorded by a stenographer duly authorized to administer oaths and shall be videotaped, and LiveNote may be used.

Dated: November 16, 2005

By: 
Josy W. Ingersoll (ID #1088)
Karen E. Keller (ID#4489)
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West St.
Wilmington, Delaware 19801
(302) 571-6672

Richard. L. DeLucia
Paul M. Richter, Jr.
Jerry Canada
Kenyon & Kenyon
One Broadway
New York, New York 10004-1050

(212) 425-7200
Attorneys for Plaintiffs
National Starch and Penford

EXHIBIT A

DEFINITIONS

1. “Plaintiffs” means National Starch, Penford Australia, and Penford Holdings, either collectively or individually.
2. “Defendants” means Cargill Corporation and MGP Ingredients, Inc., either collectively or individually.
3. “FibersymTM HA” means the commercial product sold by Defendants and any past or future generation or version of that product, including without limitation products sold under the Fibersym brand.
4. “Defendants’ amylose products” means maize seed containing the ae amylose extender gene or any seed derived from the same (including, without limitation, seed produced by crossing maize plants carrying the ae amylose extender gene), F1 maize plant hybrids or any plant derived from the same, maize seed sharing characteristics with ATCC Accession No. 75182 or any seed derived from the same, maize containing starch having greater than 70% by weight of amylose, maize seeds and plants grown from seeds deposited under ATCC Accession No. 75182, maize plants carrying the ae amylose extender gene or any plants derived from the same, maize starch having more than 70% amylose, compositions comprising a maize starch having more than 70% amylose, and FiberSymTM HA.
5. “Cargill” means Cargill Corporation, including each of its predecessors or successors in interest, direct or indirect subsidiaries, corporate parents, affiliates, assigns, joint ventures, partners, divisions, and all its present and former officers, directors, employees, partners, consultants, agents, attorneys, and persons acting or purporting to act on its behalf.

6. “MGPI” means MGP Ingredients, Inc., including each of its predecessors or successors in interest, direct or indirect subsidiaries, corporate parents, affiliates, assigns, joint ventures, partners, divisions, and all its present and former officers, directors, employees, partners, consultants, agents, attorneys, and persons acting or purporting to act on its behalf.

7. “And/Or” - The connectives “and” and “or” shall be construed either disjunctively or conjunctively so as to acquire the broadest possible meaning.

8. “Concern” or “Concerning” means comprising, constituting, containing, describing, discussing, embodying, evidencing, evincing, identifying, indicating, involving, referring to, reflecting, relating to, supporting, or otherwise in any way pertaining directly or indirectly to.

9. “Person” means any natural person or any business, firm, association, organization, joint venture, partnership, corporation, or any legal or governmental entity.

10. “Any/All/Each” shall be construed as “any, all and each.”

11. “Communication” - means the transmittal of information in the form of facts, ideas, inquiries or otherwise, orally, in writing, or in any other form.

INSTRUCTIONS

A. When asked to identify:

1. with respect to names: give, to the extent known, the person’s full name, present or last known address, and phone number, and when referring to a natural person, additionally, the present or last known place of employment; once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent interrogatories requesting the identity of that person.

EXHIBIT A
DEPOSITION TOPICS

1. With respect to the following functions relating to Cargill's business concerning amylose products: market research, business planning (including long-range and strategic planning), new product planning, new product review and/or approval, research, clinical research, design, development, testing, evaluation, manufacturing, quality assurance, packaging, importing, advertising, marketing, sales, warehousing, distribution, pricing, costing, financial reporting, accounting, patenting, patent clearance and/or review, licensing, customer relations, customer service, public relations, and administration:

a. The organization of Cargill and the names, titles, duties and responsibilities and reporting relationships of every Cargill entity, division, group, team, committee or other collection of persons, involved in each function;

b. The names, titles, duties, responsibilities and reporting relationships of the Cargill employee or employees responsible for and principally involved in each function;

c. The names, titles, duties, responsibilities and reporting relationships of third parties and their employees (including but not limited to any independent consultant or contractor used by Cargill) involved in each function.

2. The names, titles, duties, responsibilities and reporting relationships of each person from Cargill involved in any negotiations, meetings, communications or discussions between Cargill and MGPI relating to any agreement, draft agreement, contract, business venture, joint venture, strategic alliance, patent license or any other license relating to maize starch, maize seeds, maize plants or Defendants' amylose products.

3. The purpose, nature and date of any agreement, draft agreement, contract, business venture, joint venture, strategic alliance, patent license or any other license between Cargill and MGPI.
4. The names, titles, duties, responsibilities and reporting relationships of each person involved in Cargill's decision to cease sales and/or production of any of Defendants' amylose products, including but not limited to FibersymTM HA.
5. The purpose, nature and date of Cargill's decision to cease sales and/or production of any of Defendants' amylose products, including but not limited to FibersymTM HA.
6. The patents, patent applications or products reviewed or analyzed by Cargill or by a third party at the request of Cargill or MGPI in relation to Cargill's decision to cease sales and/or production of any of Defendants' amylose products, including the names, titles, duties, responsibilities and reporting relationships of such persons who reviewed or analyzed said patents, patent applications or products.

CERTIFICATE OF SERVICE

I, Karen E. Keller, hereby certify that on November 16, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Thomas L. Halkowski, Esq.
Fish & Richardson, P.C.
919 N. Market Street, Suite 1100
Wilmington, Delaware 19801

I further certify that on November 16, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY FEDERAL EXPRESS

Michael Florey, Esq.
Fish & Richardson P.C., P.A.
3300 Dain Rauscher Plaza
60 South Street
Minneapolis, MN 55402

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
kkeller@ycst.com

Attorneys for Plaintiffs